Thinking Outside the Box: Melding Community Policing with Homeland Security Law Operations

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Abstract
The purpose of this research paper is to critique offensive and defensive law enforcement operations designed to protect the nation from terrorist activities. Depending upon which scholarly source is used, typically policing operations are charted into various stages or eras. The matrix of eras tends to compartmentalize and delineate job functions and the focus of police activities. Many scholars propose that law enforcement currently operate within the community era. However, the events of September 11, 2001, became a turning point with regard to American policing. Local law enforcement operations play a vital role in battling terrorist activities. Law enforcement officers are the eyes and ears of the community and can detect problems that larger agencies may miss. The role of local law enforcement in counterterrorism operations will be evaluated. Additionally, law enforcement agencies and first responders will be analyzed to determine the effectiveness of strategies used as one part of the total counterterrorism team. In essence, it is proposed in this research paper that police policy and effectiveness is limited by the constraints of the established eras. In order to move forward law enforcement agencies must capitalize on the natural fit of community-oriented policing with homeland security and bring intelligence-led policing into the local community policing organization.

Key words: counterterrorism, intelligence led policing, community policing, police strategies
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Overview
Policing in America has evolved over the years (Champion & Hooper, 2003; Kelling & Moore, 1988; Oliver, 2004; Schmalleger & Worrall, 2010; Stevens, 2009). Those individuals who are old enough to remember the Keystone Cops movies may still regard police officers as an incompetent, bumbling lot. Although quite humorous, these movies portrayed the police much as the public viewed them during the early 1900s. This time period, from the 1840s through 1930s, was known as the Political Era of policing.

Each policing era can be better understood by addressing: function, legitimacy and authority, leadership, organizational design, tactics, job duties/roles, focus, and external relationships. Thus, the police role may look quite different from one era to the next. The police, with a paramilitary structure and strict adherence to organizational expectations (i.e., rules), tend to operate within this framework (Champion & Hooper, 2003; Kelling & Moore, 1988; Stevens, 2009). This compartmentalization limits the police ability to fully protect and serve. It is for this reason that it is important to think outside of the box with regard to police eras and move toward integrating intelligence-led policing, homeland security, and community policing.

Current Era of Policing
One of the seminal works regarding this subject was by George Kelling and Mark Moore (1988), titled The Evolving Strategy of Policing. Their work clearly defined the eras of policing as political, reform, and currently, community. Scholars do not agree on which era of policing is the current operating paradigm. For example, according to Champion and Hooper (2003) the Community Era began in 1980 and continues to present day. Stevens (2009) claimed the Community Era gave way to the Quality of Life Era in the 1990s, which continues to present day. Schmalleger and Worrall (2010) claimed the Community Era began in 1970, but that with the attacks of September 11, 2001, a change in policing occurred. Schmalleger and Worrall (2003) explained:

We cannot be certain a new era is upon us, but it very well could be. For the time being, however, local police agencies are struggling to fit their new antiterrorist responsibilities within their community focus and are using intelligence gathered through good community relations to further the goal of terrorism prevention. (p. 15)

It is this concept of intelligence-led policing for local law enforcement that is imperative to the security of America. This requires moving beyond the typical operating paradigm dictated by the police era.

The events of September 11, 2001, were without a doubt a devastating blow to America. It was important to analyze the situation and learn from it. In the aftermath of September 11th, questions remain: what went wrong and why was the United States not prepared? The ability for Americans to move forward rests in those answers.
Offensive and Defensive Law Enforcement Operations

Football is possibly one of America’s favorite pastimes. Conveniently, the sport offers a fitting analogy to the topic of this paper. When watching a game between unequally matched opponents, it becomes patently obvious that the underdog team is so busy playing defensive ball that little opportunity remains to run the ball down the field for a touchdown. In contrast, the seemingly better team may be so superior that they are playing almost a purely offensive game. For the supporters of the underdog team, the game becomes painful to watch as their team is annihilated.

Following the terrorist attacks of September 11, 2001, America’s law enforcement and national security forces were put on the defensive. With multiple, simultaneous attacks to the World Trade Center tower, the Pentagon, and a hijacked plane heading for Washington, D.C., America’s first responders and federal agencies scrambled in all directions to the scenes of the horrific attacks. No greater devastation has ever occurred on American soil than on that day (Hulnick, 2004; Kilroy, 2008; White, 2004).

A review of law enforcement tactics following the September 11th attacks have enhanced the both offensive and defensive counterterrorism tactics in order to build a stronger, less vulnerable team. This is not to say that community policing is passé, but rather a tool to update policing methods. The concepts of community cooperation, open communication, and positive human relations are all much needed in combating terrorism (Ferrell, 2014).

History of Proactive and Reactive Policing

Early military strategies incorporated both offensive and defensive actions. The element of surprise in an attack gave armies an advantage, while opponents were put into the defensive mode. Law enforcement operates as a paramilitary organization and has operated in somewhat a parallel fashion to the military (Champion & Hooper, 2003; Schmalleger & Worrall, 2010). In the early days of policing in America, watchmen stood at stationary posts within the city, available to respond to a crime nearby. In addition, the watchman’s physical presence was supposed to act as a deterrent to crime, thus incorporating both proactive and reactive law enforcement.

“American law enforcement has a long tradition of reactive patrol,” claimed White (2004, p. 62). For the purpose of clarity here, defensive patrol shall be equated with reactive patrol. In reactive patrol, officers respond to the crimes in an attempt to stop the crime and make an arrest. During the reform era of policing from 1920-1980, this form of policing was commonplace (Champion & Hooper, 2003). An officer spent time going from one call for service to the next. Unfortunately, crime rates continued to climb (Schmalleger & Worrall, 2010).

The community-policing era began circa 1980 and continued until 2001 (Schmalleger & Worrall, 2010). According to some scholars, the new and current era of policing is the homeland security era (Oliver, 2007; Schmalleger & Worrall, 2010). It should be noted that there is no consensus among scholars regarding the exact dates and eras of policing, with some scholars positing that the community era continues to present day (Champion & Hooper, 2004). The community-oriented policing era was characterized by proactive policing with a focus on crime prevention (Oliver, 2004). In contrast to the defensive/reactive paradigm mentioned previously, proactive policing may be equated with offensive policing. Furthermore, community-oriented policing components most always include problem solving and strategic-oriented policing methods, which are in their very nature, offensive (Oliver, 2004). One commission in the post-
9/11 days advocated for dividing the approach to terrorism into proactive and reactive categories and integrating local and state law enforcement in each phase (White, 2004).

To further demonstrate the proactive/reactive dichotomy, review Carter’s (2009), Levin (2014), and Peterson’s (2005) research. Carter (2009), Levin (2014), and Peterson (2005) described two types of law enforcement intelligence: tactical and strategic. The former requires information gathering relating to terrorism and attempting to mitigate the threat (reactive). The latter is the dissemination of the intelligence on threats of terrorism to decision makers for the purpose of strategy development and prevention (proactive). It was revealed in the Congressional investigation following September 11th that there was a lack of teamwork between the tactical and strategic groups, as well as lack of information sharing between federal, state, and local agencies. These needs became quite apparent following the events of September 11th (Schmalleger, 2009).

**Defensive Law Enforcement Operations**

According to White (2004), defensive law enforcement strategies refer to the management of consequences of an attack after it has occurred. White (2004) further claimed that defensive law enforcement strategies are “put into place to protect both the physical safety of people and property as well as the symbolic meaning of a target” (p. 79). Symbolic terrorism uses a dramatic attack to point out vulnerabilities, disrupt the economy and support substructures or other subsystems (Bodrero, 1999; White, 2004). The bombing of the Murrah Federal Building in Oklahoma City in 1995 is one such example. The Federal Emergency Management Agency (FEMA) is the lead agency in consequence management (White, 2004).

Schmalleger and Worrall (2010) aptly described defensive law enforcement operations as they apply to counterterrorism. According to Schmalleger and Worrall (2010) “the U.S. government has adopted a so-called 4D strategy for combating terrorism: defeat, deny, diminish, and defend” (p. 384). The meaning of the term defeat is self-evident. Deny refers to denial of support, sponsorship, and sanctuary. Diminish refers to mitigating the underlying conditions that foster terrorist activities. Defend refers to using all means such as military, private entities, and intelligence agencies to protect the United States.

The enactment of specific legislation as part of the federal government’s strategy to combat terrorism gave law enforcement more power (Schmalleger & Worrall, 2010). Examples of such legislation are the Antiterrorism and Effective Death Penalty Act (AEDPA), the USA PATRIOT Act, and the Combat Methamphetamine Epidemic Act of 2005. One provision of AEDPA was the provision of one billion dollars for “enhanced fighting of terrorism by federal and local officials” (p. 384). The USA PATRIOT Act is a lengthy and detailed piece of legislation aimed at intercepting and obstructing terrorism, which included a restructuring of federal law enforcement and intelligence gathering.

Local law enforcement agencies are among the first responders in the case of a terrorist attack. They are critical in providing evacuation and security functions, as well as coordinating emergency medical services following an incident (Schmalleger & Worrall, 2010). Protecting the nation’s critical infrastructure (e.g., transportation, communication, electrical power, et cetera) is an additional and key role of law enforcement (Oliver, 2007; White, 2004). As a result, many law enforcement agencies have expanded their training and devised emergency response plans to address terroristic threats.

Responding as the lead agency to an attack involving weapons of mass destruction (WMD) is, according to White (2004), beyond the abilities of law enforcement. The very nature
of WMD requires specialized knowledge, education, and research. The same holds true for biological threats. Past attacks have made it clear that there needs to be “a partnership between science and policing” (White, 2004, p. 87). In these areas, law enforcement agencies serve in a supporting role to fire and health responders.

**Offensive Law Enforcement Operations**

A major driving force behind preventing terrorism is threat and risk assessment (Oliver, 2007). Oliver (2007) claimed a risk equation used in most systems is the following formula:

\[
\text{Risk} = \text{Threat} \times \text{Vulnerability} \times \text{Criticality}
\]

Risk is defined as the extent to which an asset is exposed to a hazard or danger. Threat times the vulnerability represents the probability of an unwanted event occurring, and criticality equals the consequence of loss or damage to the critical infrastructure or key asset (p. 162). By using this formula, an agency can determine where to concentrate offensive efforts and terroristic countermeasures, much like CompStat is an effective tool against street crime.

White (2004) stated that proactive measures of counterterrorism require increased intelligence gathering. Similarly, Carter (2002) claimed intelligence-driven policing is an effective proactive tool. According to Carter (2002), intelligence-led policing is threat-driven, strategic, multijurisdictional, and disrupts criminal enterprises. Police intelligence and drug enforcement units can extend preventative patrols and surveillance to include counterterrorism (White, 2004).

One of the first to sound the alarm on the nation’s vulnerability to attack, Bodrero (1999) reported that the counterterrorism activities of the FBI could not be successful without the assistance of state and local law enforcement. Bodrero claimed that while the FBI retained a lead role in prevention, local and state agencies should be at the center of threat assessments and target identification. Additionally, Bodrero (1999) called for unified efforts between local agencies and the FBI to “enhance working relationships, establish mutual priorities, and identify and analyze the risk and vulnerabilities (p. 15). Bodrero (1999) argued for these changes after three terrorist attacks on American soil (World Trade Center bombing in 1993; Murrah Federal Building Bombing in 1995; and another bomb at the Olympic site in Atlanta in 1996). Apparently, no one was listening. Ferrell (2014) echoed this need to combine law enforcement efforts with intelligence assets, thus building cohesion and interagency reliance in combatting terrorism.

Interdiction and prevention should be the primary goals of law enforcement according to Bodrero (2002). Three categories of activities make up interdiction and prevention (e.g., training for recognition, using intelligence systems, and planning for counterterrorism). The keys to success claimed Bodrero (2002) rest in analyzing the information and sharing this information with other agencies. According to White (2004), private security agencies should not be overlooked as part of the interdiction team however, traditionally law enforcement agencies “fail to create joint ventures with the private sector” (p. 63).

**Using Community Policing to Combat Terrorism**

Community-oriented policing seems like a natural fit for combating terrorism and implementing a problem-solving process (Champion & Hooper, 2004; Ferrell, 2014; Oliver, 2004; Schmalleger & Worrall, 2010). This process is known as the SARA model: an acronym for scanning, analysis, response, and assessment. The final stage is important to evaluate the effectiveness of the actions. Local law enforcement personnel already familiar with this method
would be prime candidates for a cooperative counterterrorism team. A highly visible offensive law enforcement method in use is the employment of bomb-sniffing dogs in public transportation areas (Schmalleger & Worrall, 2010). Prior to the terrorist attacks of September 11, 2001, the Federal Protective Service (FPS) had a minimal program of 10 Explosive Detector Dog (EDD) Teams located in the Washington, D.C. Metropolitan area. Since that time, the FPS EDD program has expanded to more than 60 teams nationwide. According to Department of Homeland Security DHS, these dog teams are a strong, visible, and psychological deterrent against terrorist acts (http://www.dhs.gov/files/programs/law-enforcement.shtm).

Another form of proactive law enforcement operations used in the detection and prevention of terrorism is electronic surveillance, permitted and outlined under the Foreign Intelligence Surveillance Act (FISA) of 1978, later expanded under the USA PATRIOT Act of 2001 (Ball, 2005; White, 2004). Some forms of surveillance also known as eavesdropping and wiretapping have been at the center of a much-heated debate: the balance of privacy and constitutional rights versus national security and crime control. The USA PATRIOT Act granted the government more authority to use electronic surveillance against terrorists including voice mail and e-mail messages (Oliver, 2007; White, 2004). In addition, the sharing of the intelligence between federal agencies is permitted under the USA PATRIOT Act (Ball, 2005).

A significant effort to share terrorism-related intelligence exists in policing today, called boundary-less policing (Schmalleger & Worrall, 2010). One example is the Regional Information Sharing Systems Anti-terrorism Information Exchange (RISS ATIX) Program. A second effort is the State and Local Anti-terrorism Training (SLATT) Program (Oliver, 2007; Schmalleger & Worrall, 2010; White, 2004). A third effort, the Terrorist Screening Center (TSC) was established in September 2003 by President George W. Bush (Wylie, 2010).

The TSC system is “not only in place, it’s successfully catching would-be terrorists and their associates on a daily basis” (Wylie, 2010). The TSC and the Terrorist Screening Database (TSDB) is a central system used to aid local law enforcement personnel in identify individuals associated with terrorism, proactively and offensively. Previously, this information was not shared between the government agencies and was not readily available. If the TSC and TSDB had been in existence prior to September 11th, the terrorist attacks of that day may have been prevented. Three of the September 11th hijackers “were stopped by state or local law enforcement for traffic violations in the days leading up to the deadliest terrorist attack in U.S. history . . . because there was no central system,” (para. 3), but sadly, they were able to carry out the attacks.

Local police officers become highly familiar with the neighborhoods, the residents, and normal activities within their patrol areas (Oliver, 2004; Stevens, 2009). Because of this intimate relationship, officers may be more apt to recognize out-of-the-ordinary activity or behaviors. In addition, local residents involved in community watch may report suspicious activities to the police.

Conclusion

This research set out to explain how categorizing police strategy into eras might be counterproductive with regard to policing in an era of homeland security focus. Offensive and defensive law enforcement operations against terrorist attacks were critiqued, and a brief history of the proactive and reactive styles of policing was included. A primary problem leading to the events of September 11th was a lack of information sharing and cooperative efforts between local, state, and federal law enforcement and national security agencies. Offensive efforts were
stifled as a result. White (2004) averred that if law enforcement were only reactive, it would have little impact on the prevention of terrorism. The shift in terrorism requires changing the existing offensive strategy. Perhaps more importantly, is the need for a clear plan to meld offensive and defensive counterterrorism strategies.

Defensive strategies are the reactive plans of consequence management following an attack. In the case of WMD or biological threats, public health agencies, and fire and emergency medical response units may assume the lead roles. Attacks involving the infrastructure in the private sector may require private or corporate security involvement (Hulnick, 2004). Law enforcement may act in a support role coordinating evacuation and other security services.

Offensive measures traditionally were conducted at the federal level. Offensive measures include proactive surveillance and intelligence gathering. Risk and threat assessment and EDD teams are important offensive measures to incorporate into the counterterrorism plan. New legislation has been enacted to further the efforts in combating terrorism. A restructuring of the federal government under the DHS enhances the ability of offensive law enforcement.

In the immediate aftermath of September 11th, America was operating in a defensive mode. Now it is imperative to shift to a more offensive mode to prevent a future attack. Moreover, by extensive training and coordination, should an attack occur, our defensive efforts should be better prepared. The joint training and sharing of information between agencies is a key piece in successful anti-terrorism policy. The implementation of RISS ATIX and SLATT programs, plus the use of TSC and TSDB demonstrate that security forces are taking an active step in bringing the offensive and defensive teams together for a unified stand.

Lastly, community policing has benefitted both the police and citizenry by enhancing communication, building positive relationships, and teamwork. However, it is important to expand our use of community policing beyond that, which is charted and compartmentalized. On the other hand we do not want to “throw out the baby with the bath water” when reinventing our strategies for the new way of policing in a homeland security era. Community policing methods can and should be made into an integral part of policing in the new era. We need to think outside of the box in order to rid ourselves of the self-imposed constraints on effective law enforcement as the mission moves forward to protect and serve.

About the Author: Weaver began her career as a police officer in the mid-1970s, working patrol, fraud investigation, K-9, and SWAT. Career spanned 23 years and at the time of retirement, Weaver was a senior training officer with the State of Wyoming. Following retirement, she was certified and subsequently taught police academy in North Carolina for five years. In addition to police academy, Weaver provided special training for Ft. Bragg and Pope Air Force Base military police and for the State Bureau of Investigation. Since 2012, Weaver has been a member of the International Law Enforcement Educators and Trainers Association (ILEETA) and has trained fellow officers/trainers at the ILEETA conference.

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